

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP J. ARCURI and MELANIE ARCURI,
Administrators of the Estate of
Andrea Marie Arcuri,
Plaintiffs,
vs.
COUNTY OF MONTGOMERY, *et al.*,
Defendants.

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Civil Action No. 20-5408

ORDER

AND NOW, this 7th day of January, 2021, upon consideration of the Uncontested Motion of Defendants Dominic Williams and Sean Gorman to Join in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 23), it is hereby ORDERED and DECREED that the motion is GRANTED as follows:

1. Defendants Dominic Williams and Sean Gorman are hereby deemed to have joined in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 23); and
2. All applicable arguments made by Plaintiffs in their Response in Opposition to the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 26) are deemed to be asserted as to Defendants Dominic Williams and Sean Gorman as well.

BY THE COURT:

/s/Joel H. Slomsky, J.

U.S.D.J.

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Civil Action No. 20-5408

**UNCONTESTED MOTION OF DEFENDANTS DOMINIC WILLIAMS AND SEAN
GORMAN TO JOIN IN THE MONTGOMERY COUNTY DEFENDANTS' MOTION
FOR PARTIAL DISMISSAL OF PLAINTIFFS' COMPLAINT (ECF DOC. 23)**

Defendants Dominic Williams and Sean Gorman, through their undersigned counsel, hereby make this uncontested motion to join in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 23) currently pending before this Court. In support of this motion, Defendants Williams and Gorman state as follows:

1. On November 27, 2020, the County of Montgomery, the Montgomery County Correctional Facility, ten correctional officers, and one probation officer (collectively, the "Montgomery County Defendants") filed a Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 23).

2. At the time of the filing of the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint, Defendants Dominic Williams (a former correctional officer) and Sean Gorman (a former probation officer) had not yet been served with the summons and complaint in this matter and were not yet represented by the undersigned counsel. Indeed, Defendants Williams and Gorman have not been properly served to date with the

summons and complaint, but they are willing to waive proper service and join in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint.

3. Defendants Dominic Williams and Sean Gorman wish to join in the Motion for Partial Dismissal of Plaintiffs' Complaint, as the motion's argument that Count V fails to state a claim applies with equal force to Defendants Dominic Williams and Sean Gorman as it does to the other individual Montgomery County Defendants.

4. Plaintiffs do not contest this motion, provided that all applicable arguments made by Plaintiffs in their Response in Opposition to the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 26) are deemed to be asserted as to Defendants Dominic Williams and Sean Gorman as well.

5. Moreover, Defendant PrimeCare Medical, Inc. does not contest this motion.

6. This motion advances judicial economy and streamlines the procedural posture of this matter, as it avoids the need for Defendants Dominic Williams and Sean Gorman to file a second motion for partial dismissal advancing arguments duplicative of those already made by the other individual Montgomery County Defendants.

WHEREFORE, Defendants Dominic Williams and Sean Gorman ask that their Motion to Join in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint be granted by entry of an Order, in the form of the accompanying proposed order:

- A. Deeming Defendants Dominic Williams and Sean Gorman to have joined in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint (ECF Doc. 23); and
- B. Deeming all applicable arguments made by Plaintiffs in their Response in Opposition to the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs'

Complaint (ECF Doc. 26) to be asserted as to Defendants Dominic Williams and Sean Gorman as well.

Respectfully submitted,
MONTGOMERY COUNTY SOLICITOR'S OFFICE

/s/ Philip W. Newcomer

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Correctional Facility, Brian Leister, Tiare Nimmo-
Lee, Chantell Roundtree, Dominic Williams,
Corporal E. Mercer, Youngshil Dunbar, Kalena
Annis, Jeffrey Tratenberg, Daniel White, Eric
Mitchell, Gregory Pinciotti, Catherine Hiem and
Sean Gorman

Dated: December 23, 2020

CERTIFICATE OF SERVICE

I, Philip W. Newcomer, hereby certify that the Uncontested Motion Defendants Dominic Williams and Sean Gorman to Join in the Montgomery County Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint was served electronically on the 23rd day of December, 2020 via the Court's ECF System, upon the following counsel of record:

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/s/ Philip W. Newcomer
Philip W. Newcomer, Esquire